

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
ARTURO ESTEVEZ,

Plaintiff,

-against-

1 PERCENT INC.,

Defendant.  
-----X

22-CV-298 (VSB)

**ORDER**VERNON S. BRODERICK, United States District Judge:

On March 25, 2022, after Defendant had failed to appear, I directed Plaintiff to seek default judgment. (Doc. 6.) On March 28, 2022, a representative of Defendant filed a letter seeking an extension of time through June 17, 2022, to retain counsel to represent Defendant and to appear in this action. (Doc. 7.) On March 30, 2022, I granted that request. (Doc. 8.) On June 21, 2022, because Defendant had still failed to appear, I gave Defendant until June 30, 2022, to enter a notice of appearance. (Doc. 11.) I further ordered that, if Defendant missed the June 30 deadline, “then by July 6, 2022, Plaintiff must seek a default judgment in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases.” (*Id.*) I said that Plaintiff’s failure to “seek a default judgment by” July 6 would result in my “dismiss[ing] this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*)

To date, Defendant has not appeared, and Plaintiff has not sought default judgment as required by my orders. Accordingly, it is hereby

ORDERED that this action is dismissed pursuant to Rule 41(b).

SO ORDERED.

Dated: July 7, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK  
United States District Judge